

Effective 5/12/2015

13-15-3 Administration and enforcement -- Powers -- Legal counsel -- Fees -- Consumer complaints.

- (1) The division shall administer and enforce this chapter. In the exercise of its responsibilities, the division shall enjoy the powers, and be subject to the constraints, set forth in Title 13, Chapter 2, Division of Consumer Protection.
- (2) The attorney general, upon request, shall give legal advice to, and act as counsel for, the division in the exercise of its responsibilities under this chapter.
- (3) All fees collected under this chapter shall be deposited in the Commerce Service Account created by Section 13-1-2.
- (4)
 - (a) As used in this Subsection (4), "consumer complaint" means a complaint that:
 - (i) is filed with the division by a consumer or business;
 - (ii) alleges facts relating to conduct that the division regulates under this chapter; and
 - (iii)
 - (A) alleges a loss to the consumer or business of \$3,500 or more; or
 - (B) is one of at least 50 other complaints against the same person filed by other consumers or businesses during the four years immediately preceding the filing of the complaint.
 - (b) For purposes of determining the number of complaints against the same person under Subsection (4)(a)(iii)(B), the division may consider complaints filed against multiple corporations, limited liability companies, partnerships, or other business entities under common ownership to be complaints against the same person.
 - (c) Notwithstanding Subsection 13-11-7(2) and subject to Subsections (4)(d) and (e), a consumer complaint:
 - (i) is a public record; and
 - (ii) may not be classified as a private, controlled, or protected record under Title 63G, Chapter 2, Government Records Access and Management Act.
 - (d) Subsection (4)(c) does not apply to a consumer complaint:
 - (i)
 - (A) if the division determines through an administrative proceeding that the consumer complaint is nonmeritorious; and
 - (B) beginning when the nonmeritorious determination is made; or
 - (ii) that has been on file with the division for more than four years.
 - (e) Before making a consumer complaint that is subject to Subsection (4)(c) or a response described in Subsection (4)(f) available to the public, the division:
 - (i) shall redact from the consumer complaint or response any information that would disclose the address, Social Security number, bank account information, email address, or telephone number of the consumer or business; and
 - (ii) may redact the name of the consumer or business and any other information that could, in the division's judgment, disclose the identity of the consumer or business filing the consumer complaint.
 - (f) A person's initial, written response to a consumer complaint that is subject to Subsection (4)(c) is a public record.

Amended by Chapter 335, 2015 General Session